

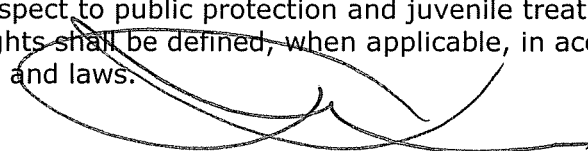


Policy: 2302
Chapter: Juvenile Rights and Hearings
Rule: Basic Juvenile Rights

Effective: 11/19/07
Replaces: 2302
Dated: 06/01/99

ARS	ACA	NCCHC
ARS §41-2804 et. seq.	3-JTS-3C-03, 14, 17, 24; 3D-01, 02, 03, 05, 06, 07, 08, 09; 4A-08; 4C-07, 28; 5A-04,05; 5C-01,06; 5D-01,17,18; 5F-03; 5G-04; 5H-04, 05, 06, 07, 08, 09, 11, 13, 14.	

Each juvenile committed to the custody of the Arizona Department of Juvenile Corrections (ADJC) shall be accorded certain basic rights. If a juvenile feels that ADJC, in the administration and/or implementation of its programs, has violated one or more of these rights, or in some way has treated the juvenile unfairly, abusively, or neglectfully, the juvenile may initiate action to remedy the situation, and may expect employee assistance in doing so. The basic rights accorded each ADJC juvenile are not absolute, and may be limited to the extent reasonably necessary for ADJC to discharge statutory responsibilities with respect to public protection and juvenile treatment, care, and supervision. Furthermore, juvenile rights shall be defined, when applicable, in accordance with State and Federal constitutional provisions and laws.


 Michael D. Branham, Director

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Definitions:

1. **Basic hygiene items:** items distributed to the juvenile when s/he enters secure care. The same items are continuously supplied to the juvenile when his/her supply is depleted. These items include the following, all of which shall be appropriate to the user, free of individual allergens, and may sometimes be stored in the office or Control Room:
 - a. 1 shaving razor (always stored in office);
 - b. 1 shaving cream (always stored in office);
 - c. 1 toothbrush;
 - d. 1 toothpaste;
 - e. 1 shampoo;
 - f. 1 conditioner;
 - g. State issued ethnic specific hair products;
 - h. 1 deodorant;
 - i. 1 comb/pick (soft plastic only);
 - j. 1 hairbrush (BCS only, soft plastic only);
 - k. 1 roll of toilet paper;
 - l. 1 bar soap; and
 - m. 2 hair ties for juveniles who are allowed to wear their hair long (black, white, or gray in color only).

Juvenile Rights:

1. **Juveniles have the right to** be protected from physical and psychological harm, and they shall:
 - a. Not be deprived of the following in the interests of treatment or discipline:
 - i. Food;
 - ii. Sleep; or
 - iii. Basic hygiene items.
 - b. Not be required to perform purposeless or degrading work;
 - c. Not be abused or harassed by employees or other juveniles;
 - d. Receive meals that are:
 - i. Nutritionally balanced; and
 - ii. Planned and served in a manner that meets established nutritional guidelines and health and safety codes.
 - e. Be provided five sets of clean clothes per week;
 - f. Be provided clean linens once per week;
 - g. Be allowed to shower daily;
 - h. Be provided with articles to maintain proper personal hygiene;
 - i. Be provided with one hour of large muscle activity daily.
 - j. Be provided safe and secure housing.
2. **Juveniles have the right to** basic and necessary medical, behavioral health, and dental care, both routine and emergency. They shall:
 - a. Have direct access to sick call;

- b. Be provided behavioral health care by qualified mental health professionals;
 - c. Be provided healthcare by qualified medical personnel; and
 - d. Be provided with gender specific and specialty care as necessary.
3. **Juveniles have the right to** be treated free of discrimination, based on:
- a. Race;
 - b. Gender;
 - c. Language;
 - d. National origin;
 - e. Religion;
 - f. Disability;
 - g. Sexual orientation;
 - h. Gender identity; and/or
 - i. Personal beliefs/opinions.
4. **Juveniles have the right to** be informed of all rights, policies, procedures, and regulations affecting them while in the custody of ADJC.
5. **Juveniles have the right to:**
- a. Responsible criticism of ADJC policies;
 - b. Direct access to the grievance process;
 - c. Written responses to all grievances;
 - d. Responses within a reasonable time limit, except in the case of emergencies;
 - e. Supervisory review of grievances;
 - f. Participation along with employees in the grievance process; and
 - g. Appeal grievance decisions to an Assistant Director.
6. **Juveniles have the right to:**
- a. Expect that all decisions made concerning them are correct and fair and based on a truthful presentation of facts.
7. **Juveniles have the right to** keep and use personal property inside a secure facility, as allowed by the stages of progress, with the following exceptions:
- a. Inhalants, drugs, narcotics, drug paraphernalia, and alcohol;
 - b. Items that may be used as a weapons;
 - c. Anything that shows sexually explicit male or female nudity or sexual acts;
 - d. Posters or books that contain or promote prohibited expressions;
 - e. Money in excess of the amount permitted by facility rules;
 - f. Items which may:
 - i. Put employees and other juveniles in danger;
 - ii. Interrupt/contradict programming;
 - iii. Encourage delinquent ideas; or
 - iv. Affect them and/or other juveniles in inappropriate ways as determined by the secure facility Superintendent, Assistant Superintendent, or Security Captain.
 - g. Stereos, radios, musical instruments, jewelry, and other large, expensive, or potentially disruptive items. These items are a privilege and may be restricted because of:
 - i. Facility safety issues;
 - ii. Space limitations;
 - iii. Fire hazard;
 - iv. Liability for loss; and
 - v. Disturbance to others.
8. **Juveniles do not have a right to be present when room searches are done.** General searches shall be done in accordance with Procedure 4052.01 Search of Juveniles and Belongings.

9. **Juveniles have a right to be strip-searched only** in accordance with Procedure 4052.01 Search of Juveniles and Belongings.
10. **Juveniles have the right to:**
 - a. Express themselves freely during appropriate times.
 - i. Juveniles may speak their own language and use non-verbal expressions;
 - ii. Juveniles may not:
 - (1) Use swear words;
 - (2) Abuse others;
 - (3) Encourage delinquent values;
 - (4) Display emblems that are illegal or obscene;
 - (5) Use gestures that are:
 - (a) Obscene;
 - (b) Gang related;
 - (c) Illegal;
 - (d) Immoral.
 - (6) Speak a language other than English during the following unless they have no English language skills:
 - (a) Classroom discussion when not participating in the English Language Learner Program in accordance with Procedure 4480.01 English Learner Program;
 - (b) Organized activities;
 - (c) Communication with agency employees who are only English speaking.
11. **Juveniles have the right to** receive approved visitors and to refuse to receive visitors. For visitation purposes:
 - a. Facilities may place reasonable restrictions on:
 - i. The number of visitors;
 - ii. The time and location of visits;
 - b. Facilities may not place limitations on the right to receive visits due to disciplinary reasons.
12. **Juveniles have the right to** speak with their attorneys in private, in accordance with Procedure 2302.02 Access to Attorneys and Courts.
13. **Juveniles have the right to:**
 - a. Send and receive mail in accordance with ADJC Policy 4051 and Procedure 4051.02;
 - b. Be notified within five business days, in accordance with Procedures 4051.02 Juvenile Mail and 1190.01 Incident Reports when mail:
 - i. Is read by employees;
 - ii. Is withheld in part or in full;
 - iii. Is returned to juvenile or corresponding party;
 - iv. Has contraband items removed.
 - c. Be notified within 30 business days if there is a pending Inspections and Investigations Division (IID) investigation regarding withheld mail and/or its contents;
 - d. Correspond freely with a specified class of persons and organizations, including but not limited to:
 - i. Courts;
 - ii. Attorneys;
 - iii. Department administrators;
 - iv. Grievance Administrator.
 - e. Appeal mail seizures in accordance with ADJC Procedure 2304.01 Juvenile Grievances.

14. Juveniles have a right to:

- a. Restricted access to telephones and local telephone calls, consistent with their behaviors in accordance with Procedure 4081.01 Juvenile's Use of the Telephone;
- b. Have brief (no less than five minutes) telephone conversations with family members during family emergencies;
- c. Have ADJC pay for incoming or outgoing long distance calls in some emergencies.

15. Juveniles have the right to:

- a. Practice the religion of their choice;
- b. Expect that ADJC shall make reasonable efforts to provide them access to religious activities consistent with their respective religious beliefs and preferences; and
- c. Not participate in any religious activity.

16. Juveniles have the right to:

- a. A personal trust account to deposit earned money and/or money received from the community;
- b. Expect that ADJC shall not withdraw money from a juvenile's personal trust account without the juvenile's consent except for restitution that was ordered by a Disciplinary Hearing or Court Order;
- c. Make purchases from the canteen in accordance with ADJC policies and procedures;
- d. Send earned money to their parent or guardian, or other approved person in accordance with ADJC policies and procedures.

17. Juveniles have the right to:

- a. Confidential education, medical, and behavioral health information in accordance with ADJC policies and procedures;
- b. Expect that ADJC will only release confidential juvenile information to those who have legally authorized access; and
- c. Expect that ADJC shall prohibit the release of personally identifiable information in accordance with all applicable state and federal laws and regulations.

18. Juveniles have a right to expect that the following juvenile data is considered personally identifiable, non-public access data:

- a. The juvenile's name;
- b. Social Security number;
- c. The juvenile's or family's telephone number(s);
- d. Community or home address of the juvenile and/or parent(s)/guardian(s).

19. ADJC juveniles have a right to participate in non-medical, non-drug, or non-cosmetic research on a voluntary, non-coercive basis. Juveniles shall not:

- a. Participate in experimental projects involving medical, drugs, or cosmetic research;
- b. Participate in research activities which may cause negative personal results;
- c. Be denied basic services available to other juveniles.

20. Juveniles have a right to be free from retaliation for the exercise or discussion of any right listed in this policy.

21. Juveniles have the right to access to education.

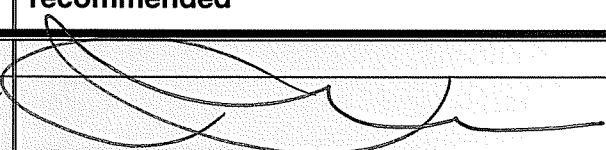
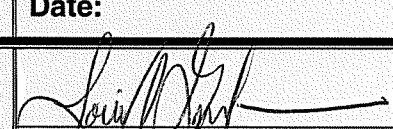
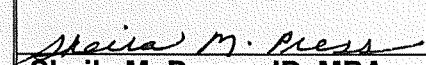
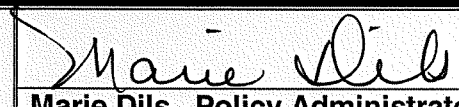
JANET NAPOLITANO
Governor



MICHAEL D. BRANHAM
Director

**DIRECTOR'S POLICIES AND PROCEDURES
REVIEW CHECK LIST**

Document ID: Policy 2302
Marie Dils 11/08/07

Check all appropriate Items		Comments
<input type="checkbox"/>	New Policy <input type="checkbox"/> New Procedure	
<input checked="" type="checkbox"/>	Updated Policy <input type="checkbox"/> Updated Procedure	
<input checked="" type="checkbox"/>	Process Owner approved	
<input checked="" type="checkbox"/>	Notification of changes to Staff; NO training of staff recommended	
<input type="checkbox"/>	Notification of changes to Staff; Training of staff recommended	
<input checked="" type="checkbox"/>  Michael Branham, Director Date:		
<input checked="" type="checkbox"/>  Louis A. Goodman, Esq., Assistant Director, Legal Systems Division Date: 11/14/07		
<input checked="" type="checkbox"/>  Sheila M. Press, JD, MBA Youth Rights Ombuds Administrator Date:		
<input checked="" type="checkbox"/>  Marie Dils, Policy Administrator Date: 11.08.07		